

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q86138

Shigeru ASHIDA, et al.

Appln. No.: 10/523,829

Group Art Unit: 2831

Confirmation No.: 3991

Examiner: Chau N. NGUYEN

Filed: February 8, 2005

For: ELECTRICAL CONNECTOR AND CABLE

REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.41, Appellant respectfully submits this Reply Brief in response to the Examiner's Answer dated October 10, 2007. Entry of this Reply Brief is respectfully requested.

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STATUS OF CLAIMS

Claims 1-20 are pending in the application, stand rejected, and are all the claims that are the subject of this appeal.

- (1) Claims 1-17, 19 and 20 stand rejected under 35 U.S.C. § 112, second paragraph;
- (2) Claims 1-4, 6-10 and 14-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Moore et al. (US 6,064,003) in view of Knapp et al. (US 4,521,064);
- (3) Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Moore in view of Knapp in further view of Hutchinson (US 4,070,084);
- (4) Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Moore, in view of Knapp in further view of Urushibata et al. (US 5,057,650);
- (5) Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Moore, in view of Knapp in further view of Bates (US 4,864,081);
- (6) Claims 13 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Beamenderfer et al. (US 4,834,674) in view of Knapp;
- (7) Claims 18 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ichikawa et al. (US 5,780,774) in view of Moore and Knapp; and
- (8) Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ichikawa in view of Bates and Knapp.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

A. Whether claims 1-17, 19 and 20 are properly rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which Appellant regards as the invention.

B. Whether claims 1-4, 6-10 and 14-16 are unpatentable under 35 U.S.C. § 103(a) over Moore et al. (US 6,064,003; “Moore”) in view of Knapp et al. (US 4,521,064; “Knapp”).

C. Whether claim 5 is unpatentable under 35 U.S.C. § 103(a) over Moore in view of Knapp in further view of Hutchison (US 4,070,084).

D. Whether claim 11 is unpatentable under 35 U.S.C. § 103(a) over Moore in view of Knapp, in further view of Urushibata et al. (US 5,057,650; “Urushibata”).

E. Whether claim 12 is unpatentable under 35 U.S.C. § 103(a) over Moore in view of Knapp in further view of Bates (US 4,864,081).

F. Whether claims 13 and 17 are unpatentable under 35 U.S.C. § 103(a) over Beamenderfer et al (4,834,674; “Beamenderfer”) in view of Knapp.

G. Whether claims 18 and 20 are unpatentable under 35 U.S.C. § 103(a) over Ichikawa et al. (5,780,774; “Ichikawa”) in view of Moore and Knapp.

H. Whether claim 19 is unpatentable under 35 U.S.C. § 103(a) over Ichikawa in view of Bates and Knapp.

ARGUMENT

Applicants submit that claims 1-20 are allowable for those reasons set forth in the Appeal Brief filed April 26, 2007, and for the additional reasons set forth below.

In this Reply Brief, the Applicants provide additional comments with regard to the Examiner's faulty logic used in the rejection of claims 1-4, 6-10 and 14-16 as being unpatentable over Moore et al. (US 6,064,003; "Moore") in view of Knapp et al. (US 4,521,064; "Knapp").

In the Examiner's Answer, the Examiner concedes that Moore et al. fails to disclose "the foam element having a foam ratio selected to substantially match the impedance of the covering of the conductor," as recited in independent claim 1. (*Examiner's Answer*, p. 5). In an attempt to cure this deficiency, the Examiner applies Knapp contending it discloses using a foam ratio of 20% or more, preferably 35-55%. (*Id.* at p. 6). Further, the Examiner concedes that while Moore discloses a foam element 72, it fails to disclose a foam ratio. (*Id.* at 15). However, neither Knapp nor Moore expressly disclose any relationship between a foam ratio and the impedance of the covering of a conductor.

To compensate for this deficiency, because the present specification provides that the foam element should have a foam ratio of at least 20%, the Examiner improperly deduces that Knapp, which also teaches the benefits of such a range (foam ratio at least 20%), must necessarily disclose that the foam ratio matches the covering of the conductor. The fallacy of the Examiner's logic is that merely providing a foam ratio above 20% does not necessarily match the impedance of the foam element to the covering of the conductor. Rather, there would be only a subset of values within the foam ratio in excess of 20% that may meet this criteria, *e.g.*, 41-43% (depending on the impedance of the covering). In this way, the Examiner is erroneously

assuming any value of the foam ratio above 20% would match the impedance of the foam element to that of the covering of the conductor.

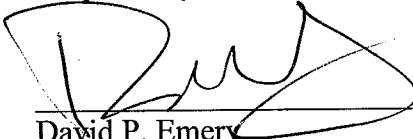
Thus, because Moore and Knapp, either taken alone or in combination, fail to contemplate “the foam element having a foam ratio selected to substantially match the impedance of the covering of the conductor,” but instead, merely disclose using a foam ratio of at least 20%, Applicants submit this rejection is in error and should be withdrawn.

Because claims 8, 14 and 15 recite a feature similar to the feature discussed above with regard to claim 1, Applicants submit these claims are allowable for the same reasons set forth above. Thus, Appellants respectfully submit that independent claims 1, 8, 14 and 15 are allowable for at least this reason. Further, dependent claims 2-4, 6-7, 9-10 and 16 are allowable, at least because of their dependency.

CONCLUSION

For the above reasons as well as the reasons set forth in Appeal Brief, Appellant respectfully requests that the Board reverse the Examiner's rejections of all claims on Appeal. An early and favorable decision on the merits of this Appeal is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David P. Emery', is written over a horizontal line.

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